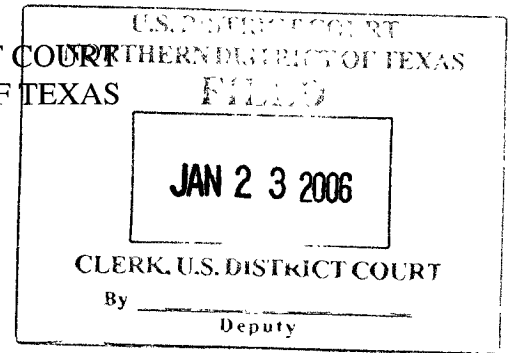


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION



FONOVisA, INC.; BMG MUSIC; UMG  
RECORDINGS, INC.; INTERSCOPE  
RECORDS; ARISTA RECORDS LLC;  
ATLANTIC RECORDING CORPORATION;  
and ELEKTRA ENTERTAINMENT GROUP  
INC.

Plaintiffs,

V.

LARRY ALVAREZ,

Defendant.

CIVIL ACTION NO.

**1-06CV-011-C**

## **PLAINTIFFS' COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiffs, by their attorneys, complain of the Defendant, and would show:

## JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. §101 *et seq.*).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).
3. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that the Defendant resides in this District, and the acts of infringement complained of herein occurred in this District.

## **PARTIES**

4. Plaintiff Fonovisa, Inc. is a division of Univision Music LLC. Univision Music LLC is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

5. Plaintiff BMG Music is a general partnership duly organized and existing under the laws of the State of New York, with its principal place of business in the State of New York.

6. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

7. Plaintiff Interscope Records is a California general partnership, with its principal place of business in the State of California.

8. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

9. Plaintiff Atlantic Recording Corporation is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

10. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

11. Plaintiffs are informed and believe that Defendant is an individual residing in this District.

**COUNT I  
INFRINGEMENT OF COPYRIGHTS**

12. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

13. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings (the "Copyrighted Recordings"). The Copyrighted Recordings include but are not limited to each of the copyrighted sound recordings identified in Exhibit A attached hereto, each of which is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. In addition to the sound recordings listed on Exhibit A, Copyrighted Recordings also include certain of the sound recordings listed on Exhibit B which are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs' affiliate record labels, and which are subject to valid Certificates of Copyright Registration issued by the Register of Copyrights.

14. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

15. Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others. In doing so, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and exclusive rights under copyright.

16. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on each respective album cover of each of the sound recordings identified in Exhibit A. These notices of copyright appeared on published copies of each of the sound recordings identified in Exhibit A. These published copies were widely available, and each of the published copies of the sound recordings identified in Exhibit A was accessible by Defendant.

17. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiffs.

18. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

19. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights, and ordering Defendant to destroy all copies of sound recordings made in violation of Plaintiffs' exclusive rights.

For these reasons, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*,

download) any of Plaintiffs' Recordings, to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. Section 504.
3. For Plaintiffs' costs in this action.
4. For Plaintiffs' reasonable attorneys' fees incurred herein.
5. For such other and further relief, either at law or in equity, general or special, to which they may be entitled.

DATED: January 20, 2006

Respectfully submitted,

By: 

Kristi Belt  
Texas Bar No. 24026798  
SHOOK, HARDY & BACON L.L.P.  
JP Morgan Chase Tower  
600 Travis Street, Suite 1600  
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ATTORNEY-IN-CHARGE FOR PLAINTIFFS

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Facsimile: (713) 227-9508

A

**EXHIBIT A****LARRY ALVAREZ**

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
Fonovisa, Inc.	Bronco	Una Rosa Una Espina	20 Exitos	256-014
BMG Music	Alabama	Dancin' Shaggin' on the Boulevard	Dancin' on the Boulevard	233-935
BMG Music	Alicia Keys	Troubles	Songs in A Minor	299-410
UMG Recordings, Inc.	George Strait	Heartland	Pure Country	146-421
Interscope Records	Enrique Iglesias	Bailamos	Enrique	214-257
Fonovisa, Inc.	Bronco	Dos Mujeres Un Camino	Oro 2000	259-010
Arista Records LLC	Alan Jackson	Chattahoochee	Lot About Livin' (And a Little 'bout Love)	147-716
Arista Records LLC	Alan Jackson	Gone Country	Who I Am	202-090
BMG Music	Lonestar	Tell Her	Lonely Grill	187-003
Atlantic Recording Corporation	Foreigner	Waiting For A Girl Like You	Foreigner 4	27-769
Elektra Entertainment Group Inc.	Eagles	New Kid In Town	Hotel California	N38950



B

User	Filename	Artist	Size	Media Type
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malva511@filesahre	Tobey Kieth - I Wanna Talk About Me.mp3	Toby Keith	7,088KB	Audio
malva511@filesahre	Toby Kieth-American Solider.wma	Toby Kieth	6,207KB	Audio
malva511@filesahre	toby kieth - Whiskey Girl.wma	toby kieth	3,770KB	Audio
malva511@filesahre	Toby Kieth - Beer For My Horses.mp3	Toby Keith, Willie Nelson	3,189KB	Audio
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malva511@filesahre	Brenda Lee - Johnny One Time.mp3	Brenda Lee	3,048KB	Audio
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malva511@filesahre	Rick Trevino - Learning As You Go.mp3	Rick Trevino	3,274KB	Audio
malva511@filesahre	Youngbloods - Let's Get Together.mp3	Youngbloods	4,350KB	Audio
malva511@filesahre	Rick Trevino - I Only Get This Way With You.mp3	Rick Trevino	3,445KB	Audio
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malva511@filesahre	Oldies - Sunshine, Lollipops, Rainbows.mp3	Leslie Gore	1,536KB	Audio

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2 Users



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User	Filename	Artist	Size	Media Type
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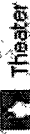


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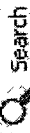
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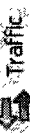
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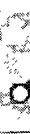
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2,545,903 users online, sharing 1,202,918,665 files (35,377,152 GB)

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